

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                        |   |                                    |
|------------------------|---|------------------------------------|
| CHRISTOPHER IWANICKI,  | ) |                                    |
|                        | ) | Civil Action No. 17 – 486          |
| Petitioner,            | ) |                                    |
|                        | ) | District Judge David S. Cercone    |
| v.                     | ) | Magistrate Judge Lisa Pupo Lenihan |
|                        | ) |                                    |
| LEO DUNN and ROBERT D. | ) |                                    |
| GILMORE,               | ) |                                    |
|                        | ) |                                    |
| Respondents.           | ) |                                    |

**MEMORANDUM ORDER**

Currently pending before the Court is a Petition for Writ of Habeas Corpus filed by Christopher Iwanicki (“Petitioner”). (ECF Nos. 1 & 22.) The Petition for Writ of Habeas Corpus was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrate Judges.

On April 2, 2020, Judge Lenihan entered a Report and Recommendation (“R&R”) wherein she recommended that the Petition for Writ of Habeas Corpus be dismissed for failure to exhaust state court remedies and also recommended that a Certificate of Appealability be denied. (ECF No. 72.) Petitioner was served with the R&R and informed that the deadline for filing objections thereto was April 20, 2020. Id. As of today, no objections have been filed. Accordingly, the following Order is now entered.

**AND NOW**, this 14th day of May, 2020;

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 72) is adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus (ECF Nos. 1 & 22) is dismissed for Petitioner's failure to exhaust his state court remedies.

**IT IS FURTHER ORDERED** that a Certificate of Appealability is **DENIED**.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case closed.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/David. S. Cercone

David S. Cercone  
United States District Judge

Cc: Christopher Iwanicki  
FW-2272  
SCI Greene  
175 Progress Drive  
Waynesburg, PA 15370

Counsel of record  
(Via CM/ECF electronic mail)